IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6121 OF 2003

Smt. Jaibunnisa Anwar Choudhary .....Petitioner.

Versus

B.M.C. & Anr. .....Respondents.

Shri J.S.Kini, for the Petitioner.
Shri V.S.Kapse, for Respondent No.2.

CORAM : ANOOP V. MOHTA, J.

DATE : 19TH DECEMBER, 2005

P.C. :

1. Considering the rival contentions raised between the parties that the impugned order is Appealable as an application under Order IX Rule 9 of the Code of Civil Procedure was rejected and the Suit which was dismissed was not restored, without expressing anything on the merit of the matter, as it is Appealable, the present Writ Petition is disposed of, as alternative remedy is available.

(ANOOP V. MOHTA, J.)